



ATTENTION: MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No.: MASIMO.377A
Applicants : Massi E. Kiani, et al.
For : PARAMETER COMPENSATED
PHYSIOLOGICAL MONITOR
Attorney : John M. Grover
"Express Mail"
Mailing Label No. : EV 307989300 US
Date of Deposit : July 22, 2004

I hereby certify that the accompanying

Transmittal Letter; Declaration by Inventors in 3 pages; Power of Attorney Form and Copy of Assignment in 5 pages; a Copy of the Notice to File Missing Parts; Information Disclosure Statement, PTO Form 1449 with 95 references, which are not being submitted herewith; Check for Filing Fee; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Nelson Merida

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PATENT

Case Docket No. MASIMO.377A
Date: July 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Massi E. Kiani, et al.

App. No. : 10/714,526

Filed : November 14, 2003

For : PARAMETER
COMPENSATED
PHYSIOLOGICAL
MONITOR

Group Art Unit : 3736

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 22, 2004

(Date)

John M. Grover, Reg. No. 42,610

TRANSMITTAL LETTER

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

ATTENTION: MAIL STOP MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on February 23, 2004, enclosed are:

- (X) an executed Declaration by Inventors;
- (X) a Power of Attorney Form and Copy of Assignment;
- (X) a Notice to File Missing Parts;
- (X) an Information Disclosure Statement;
- (X) a PTO Form 1449 with 95 references, which are not being submitted herewith; and
- (X) a check in the amount of \$1,922 to cover the below fee; and
- (X) a return prepaid postcard.

PATENT

Case Docket No. MASIMO.377A

Date: July 22, 2004

Fees as calculated below:

| | |
|---------------------------------------------------|----------|
| FILING FEE | \$ 842 |
| FEE FOR EXTENSION OF TIME (LARGE ENTITY) 3 months | \$ 950 |
| SURCHARGE 37 CFR 1.16(e) | \$ +130 |
| TOTAL FEES SUBMITTED HEREWITH | \$ 1,922 |

An extension of time to respond for three (3) months is hereby requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



John M. Grover

Registration No. 42,610

Attorney of Record

Customer No. 20,995

(949) 760-0404



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/714,526 | 11/14/2003 | Massi E. Kiani | MASIMO.377A |

20995

KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614



CONFIRMATION NO. 2220

FORMALITIES LETTER



OC000000011950483

Date Mailed: 02/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/26/2004 MAHME1 00000090 10714526

| | |
|------------|-----------|
| 01 FC:1001 | 770.00 OP |
| 02 FC:1051 | 130.00 OP |
| 03 FC:1202 | 72.00 OP |

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$72 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$972 for a Large Entity

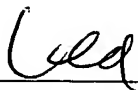
- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$72

- \$72 for 4 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE